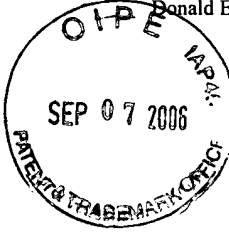




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,501	01/16/2004	Donald Edward Benson	SVL920030128US1	6340
7590 08/24/2006				
Min, Hsieh & Hack, L.L.P. Suite 160 125 University Avenue Palo Alto, CA 94301				
				
EXAMINER STACE, BRENT S				
ART UNIT 2161		PAPER NUMBER		
DATE MAILED: 08/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/758,501		BENSON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Brent S. Stace		2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/16/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Remarks***

1. Claims 1-19 have been examined. Claims 1-19 have been rejected. This document is the first Office action on the merits.

### ***Information Disclosure Statement***

2. The information disclosure statement is being considered by the examiner.

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: detail 226, page 9, paragraph [031]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

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only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. Since the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors, Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the drawings. For example, the drawings should be carefully checked to ensure that all reference numerals are described in the specification, that no one reference numeral describes two separate drawing elements, or that the specification contains no reference to numerals not in the drawings.

### ***Claim Objections***

6. Claim 6 is objected to because of the following informality:

a. Claim 6 depends from itself.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
9. Claims 10-17 lack a useful, concrete, and tangible result because the computer program product appears to be directed at software per se which is functional descriptive material per se that is non-statutory subject matter. This program must be reflected in the claims as being stored on at least a medium.
10. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
12. Claims 10-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
13. Claim 10 recites the limitation "said medium" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection propagates downward through dependent Claims 11-17.

***Claim Rejections - 35 USC § 102***

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14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-7, 9-16, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Windows XP SP1 (Windows).

**Claim 1** can be mapped to Windows as follows: “A method of validating a request, [Windows, Fig. 3] said method comprising:

- receiving a request that affects an item; [Windows, Fig. 3]
- identifying a version of the item based on a first time; [Windows, Fig. 3]
- determining whether the request affects an object associated with the item; [Windows, Fig. 3]
- identifying a version of the object based on a second time when the request affects the object; [Windows, Fig. 3] and
- completing the request based on the version of the item and the version of the object” [Windows, Fig. 3].

**Claim 2** can be mapped to Windows as follows: “The method of claim 1, wherein receiving the request comprises receiving a request for deleting the item” [Windows, Fig. 3].

**Claim 3** can be mapped to Windows as follows: "The method of claim 2, wherein identifying the version of the item comprises retrieving a timestamp for the item" [Windows, Fig. 3].

**Claim 4** can be mapped to Windows as follows: "The method of claim 2, wherein identifying the version of the item comprises retrieving the timestamp and an identifier for the item" [Windows, Fig. 3].

**Claim 5** can be mapped to Windows as follows: "The method of claim 1, wherein identifying the version of the object comprises retrieving a timestamp for the object" [Windows, Fig. 3].

**Claim 6** can be mapped to Windows as follows: "The method of claim 6, wherein identifying the version of the object comprises retrieving the timestamp and an identifier for the object" [Windows, Fig. 3].

**Claim 7** can be mapped to Windows as follows: "The method of claim 1, wherein completing the request based on the version of the item and the version of the object comprises:

- determining whether the version of the item matches the version of the object; [Windows, Fig. 4] and
- completing the request when the versions of the item and object match" [Windows, Fig. 4].

**Claim 9** encompasses substantially the same scope of the invention as that of Claim 1, in addition to an apparatus and some means for performing the method steps

of Claim 1. Therefore, Claim 9 is rejected for the same reasons as stated above with respect to Claim 1.

**Claims 10-16** encompass substantially the same scope of the invention as that of Claims 1-7, respectfully, in addition to a computer program product and some program code for performing the method steps of Claims 1-7, respectfully. Therefore, Claims 10-16 is rejected for the same reasons as stated above with respect to Claims 1-7, respectfully.

**Claim 18** can be mapped to Windows as follows: "A method of processing requests that delete an item, wherein the item includes associated objects, [Windows, Fig. 3] said method comprising:

- receiving a request that deletes an item; [Windows, Fig. 3]
- identifying a first age of the item affected by the request; [Windows, Fig. 3]
- retrieving information indicating a second age of at least one associated object; [Windows, Fig. 3] and
- selectively deleting the item and the at least one associated object based on whether the first age of the item is greater than or equal to the second age of the at least one associated object" [Windows, Fig. 3].

**Claim 19** encompasses substantially the same scope of the invention as that of Claim 18, in addition to an apparatus and some means for performing the method steps of Claim 18. Therefore, Claim 19 is rejected for the same reasons as stated above with respect to Claim 18.



***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows XP SP1 (Windows) in view of "Mac OS X: The Missing Manual" (MacOSX).

For **Claim 8**, Windows teaches: "The method of claim 2, wherein completing the request based on the version of the item and the version of the object comprises."

Windows discloses the above limitation but does not expressly teach:

- "determining whether the version of the item is older than the version of the object; and

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- completing the request when the version of the item is older than the version of the object.”

With respect to Claim 8, an analogous art, MacOSX, teaches:

- “determining whether the version of the item is older than the version of the object; [MacOSX, second tip] and
- completing the request when the version of the item is older than the version of the object” [MacOSX, second tip with Windows, Fig. 3].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of MacOSX and Windows before him/her to combine MacOSX with Windows because both inventions are directed towards copying/moving/replacing/deleting files on a computer.

MacOSX's invention would have been expected to successfully work well with Windows's invention because both inventions use computers with GUI file interfaces. Windows discloses an operating system comprising GUI for file management. However, Windows does not expressly disclose determining whether the version of the item is older than the version of the object. MacOSX discloses a operating system comprising GUI for file management.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of MacOSX and Windows before him/her to take the determining whether the version of the item is older than the version of the object from MacOSX and install it into the invention of Windows, thereby offering the obvious

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advantage of removing the user from determining if files are older/newer (or matching), thereby eliminating possible error.

**Claim 17** encompasses substantially the same scope of the invention as that of Claim 8, in addition to a computer program product and some program code for performing the method steps of Claim 8. Therefore, Claim 17 is rejected for the same reasons as stated above with respect to Claim 8.

**Conclusion**

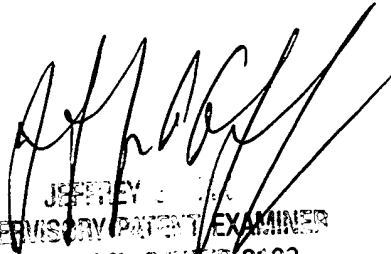
19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on the PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brent Stace *B.S.*

*cy*

  
JEFFREY A. [unclear]  
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## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	SVL920030128US1	Appln. No.	<del>Not Yet Assigned</del> 10/758,501
Applicant	Donald E. Benson et al.		
Filing Date	January 16, 2004	Group:	<del>Not Yet Assigned</del> 2161

U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

U.S. PATENT APPLICATION PUBLICATION DOCUMENTS							
		Document Number	Publication Date	Name	Class	Sub Class	Filing Date If Appropriate
BS		US2001/0047358 A1	11/29/2001	Finn et al.	<del>707</del>	<del>100</del>	3/13/2001
	BS	US2002/0066033 A1	5/30/2002	Dobbins et al.	<del>743</del>	<del>201</del>	7/31/2001
	BS	US2002/0112035 A1	8/15/2002	Carey et al.	<del>705</del>	<del>215</del>	10/30/2001
	BS	US2002/0133484 A1	9/19/2002	Chau et al.	<del>707</del>	<del>3</del>	1/31/2002
	BS	US2002/0133491 A1	9/19/2002	Sim et al.	<del>707</del>	<del>10</del>	10/26/2001
	BS	US2002/0174200 A1	11/21/2002	Kozina	<del>705</del>	<del>220</del>	11/9/2001

## INFORMATION DISCLOSURE CITATION

Atty. Docket No. SVL920030128US1	Appln. No. <del>Not Yet Assigned</del> 10/758,501
Applicant Donald E. Benson et al.	
Filing Date January 16, 2004	Group: <del>Not Yet Assigned</del> 2161

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

BS	Suparna Bhattacharya et al., "Coordinating Backup/Recovery and Data Consistency Between Database and File Systems," 2002, pp. 500-511.
BS	Edward A. Feustel, "Process Exchange on the PRIME Family of Computers," 1983, pp. 32-43.
BS	IBM Research Disclosure, Article No. 452159, "A Uniform Method for Distribution of Internet Data to Appropriate Servers," December 2001, pp. 2140-2142.
BS	IBM Research Disclosure, Article No. 447171, "Method for Delivering For-Fee Content to a Wireless Handheld Web Browser Device While Guaranteeing Ownership of Proprietary Content," July 2001, pp. 1260-1262.

Examiner /Brent Stace/ (08/18/2006)	Date Considered 08/18/2006
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
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<b>Notice of References Cited</b>	Application/Control No. 10/758,501	Applicant(s)/Patent Under Reexamination BENSON ET AL.	
	Examiner Brent S. Stace	Art Unit 2161	Page 1 of 1

**U.S. PATENT DOCUMENTS**

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	A	US-			
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**FOREIGN PATENT DOCUMENTS**

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	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Microsoft, Microsoft Windows XP Professional service pack 1 2002
	V	Pogue, David, Mac OS X: The Missing Manual 11-2002, Pogue Press/O'Reilly Associates, Inc., Second Ed.
	W	
	X	

\*A copy of this reference is not being furnished with this Office action (See MPEP § 707 05(a) )  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

## ***Mac OS X: The Missing Manual***

by David Pogue

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When multiple icons are selected, the commands in the File and Edit menus—such as Duplicate, Open, and Make Alias—apply to all of them simultaneously.

**Tip:** Don't forget that you can instantly highlight all the files in an open window by choosing Edit→Select All (or by pressing ⌘-A)—no icon clicking required.

## Moving and Copying Icons

In Mac OS X, there are two ways to move or copy icons from one place to another: by dragging them, or by using the Copy and Paste commands.

### Copying by Dragging

You can drag icons from one folder to another, from one drive to another, from a drive to a folder on another drive, and so on. (When you've selected several icons, drag any *one* of them; the others tag along.) While the Mac is copying, you can tell that the process is still under way even if the progress bar is hidden behind a window, because the icon of the copied material shows up *dimmed* in its new home, darkening up only when the copying process is over. You can cancel the copying process by pressing either ⌘-period or the Esc key.

**Tip:** If you're copying files into a disk or folder that already contains items with the same names, Mac OS X asks you individually about each one. ("An older item named "Fiddlesticks" with extension '.doc' already exists in this location.") Note that, thank heaven, Mac OS X 10.2 tells you whether or not the version you're replacing is *older* or *newer* than the one you're moving. (Versions 10.0 and 10.1 didn't.)

Click Replace or Don't Replace, as you see fit, or Stop to halt the whole copying business.

#### POWER USERS' CLINIC

### Selecting Icons from the Keyboard

For the speed fanatic, using the mouse to click an icon is a hopeless waste of time. Fortunately, you can also select an icon by typing the first couple letters of its name.

When looking at your home window, for example, you can type *M* to highlight the Movies folder. And if you actually intended to highlight the *Music* folder instead, press the Tab key to highlight the next icon in the window alphabetically. Shift-Tab highlights the previous icon alphabetically. Or use the arrow keys to highlight a neighboring icon.

(In Mac OS X 10.2, the Tab-key trick works only in icon and list views. It no longer works in column view, alas.)

After highlighting an icon in this way, you can manipulate it using the commands in the File menu or their keyboard equivalents: open (⌘-O), put it into the Trash (⌘-Delete), Get Information (⌘-I), duplicate (⌘-D), or make an alias, as described later in this chapter (⌘-L). By turning on the special disability features described on page 249, you can even *move* the highlighted icon using only the keyboard.

If you're a first-time Mac user, you may find it excessively nerdy to memorize keystrokes for functions the mouse performs perfectly well. If you make your living using the Mac, however, the speed and efficiency of these keystrokes will reward you immeasurably for memorizing them.

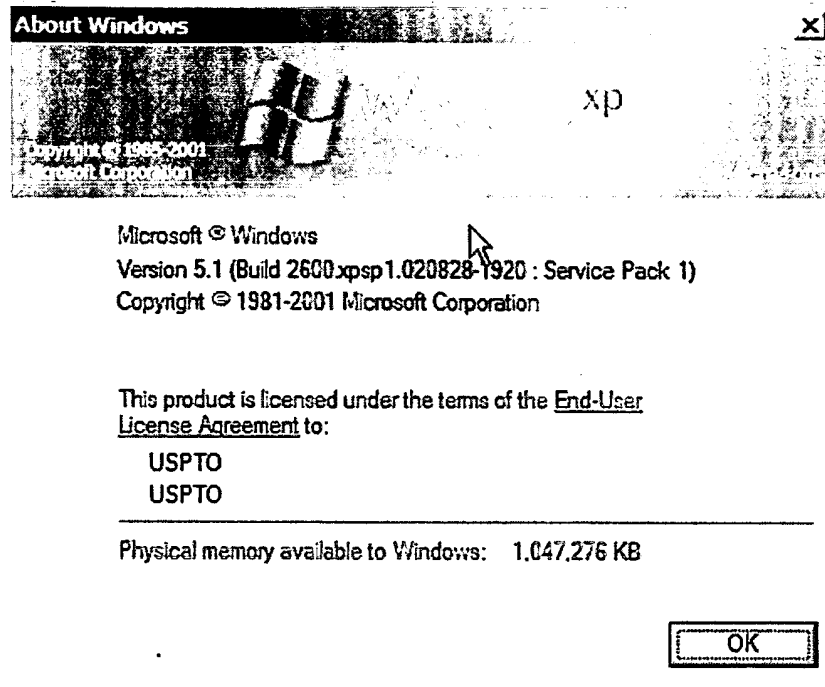


Fig. 1

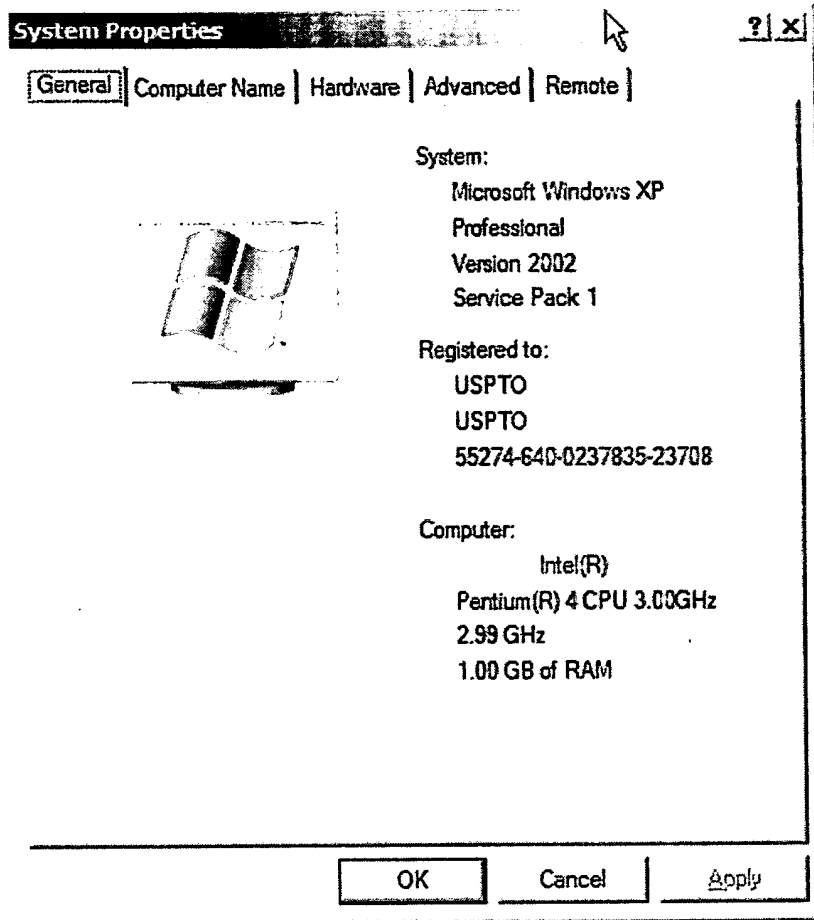


Fig. 2

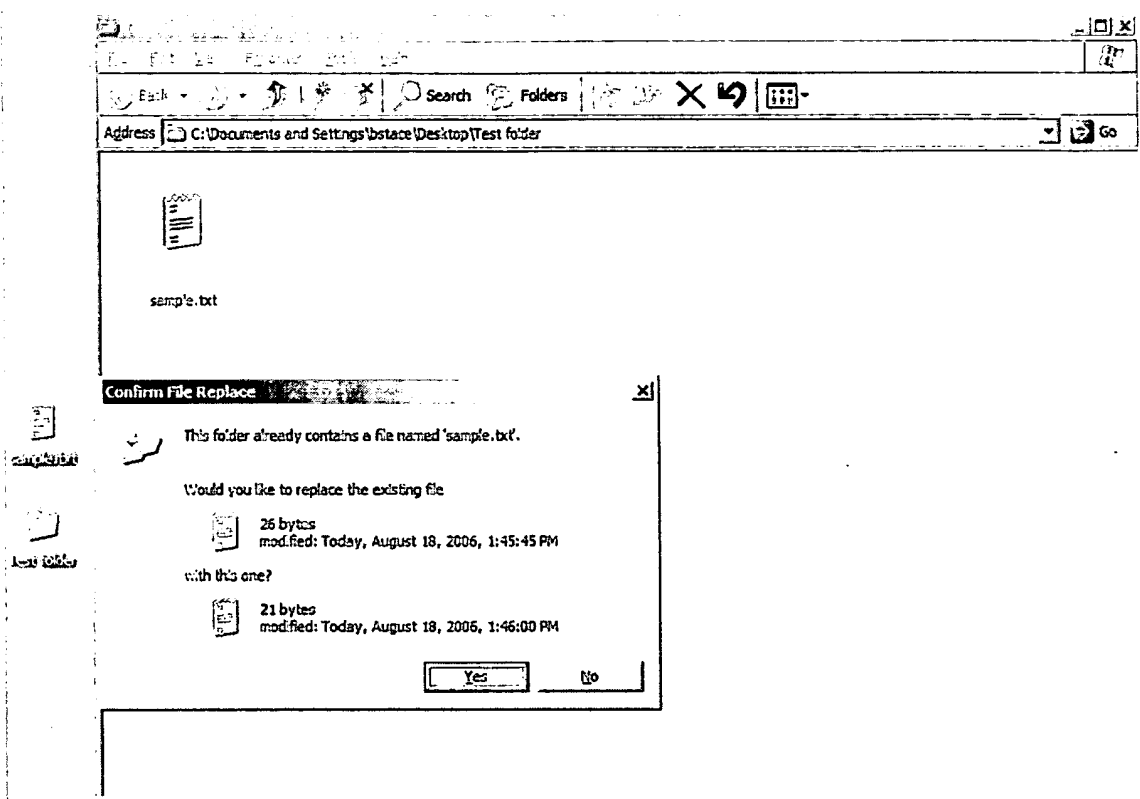


Fig. 3

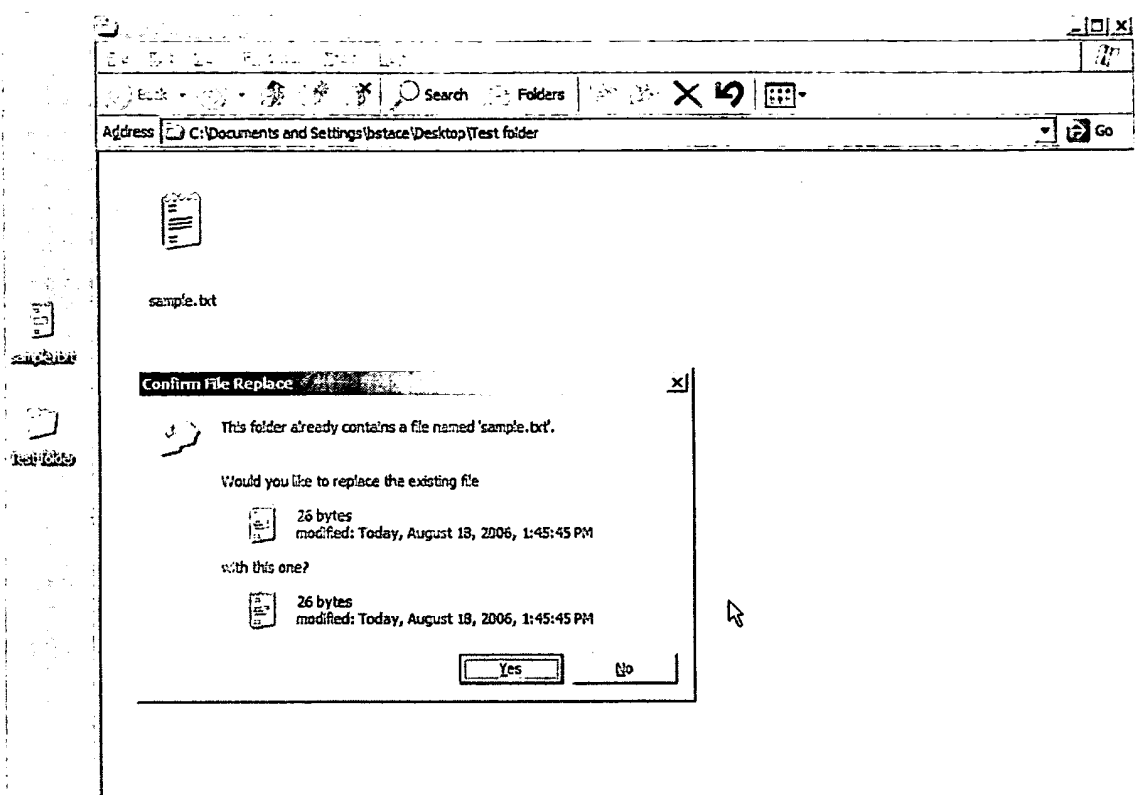


Fig. 4



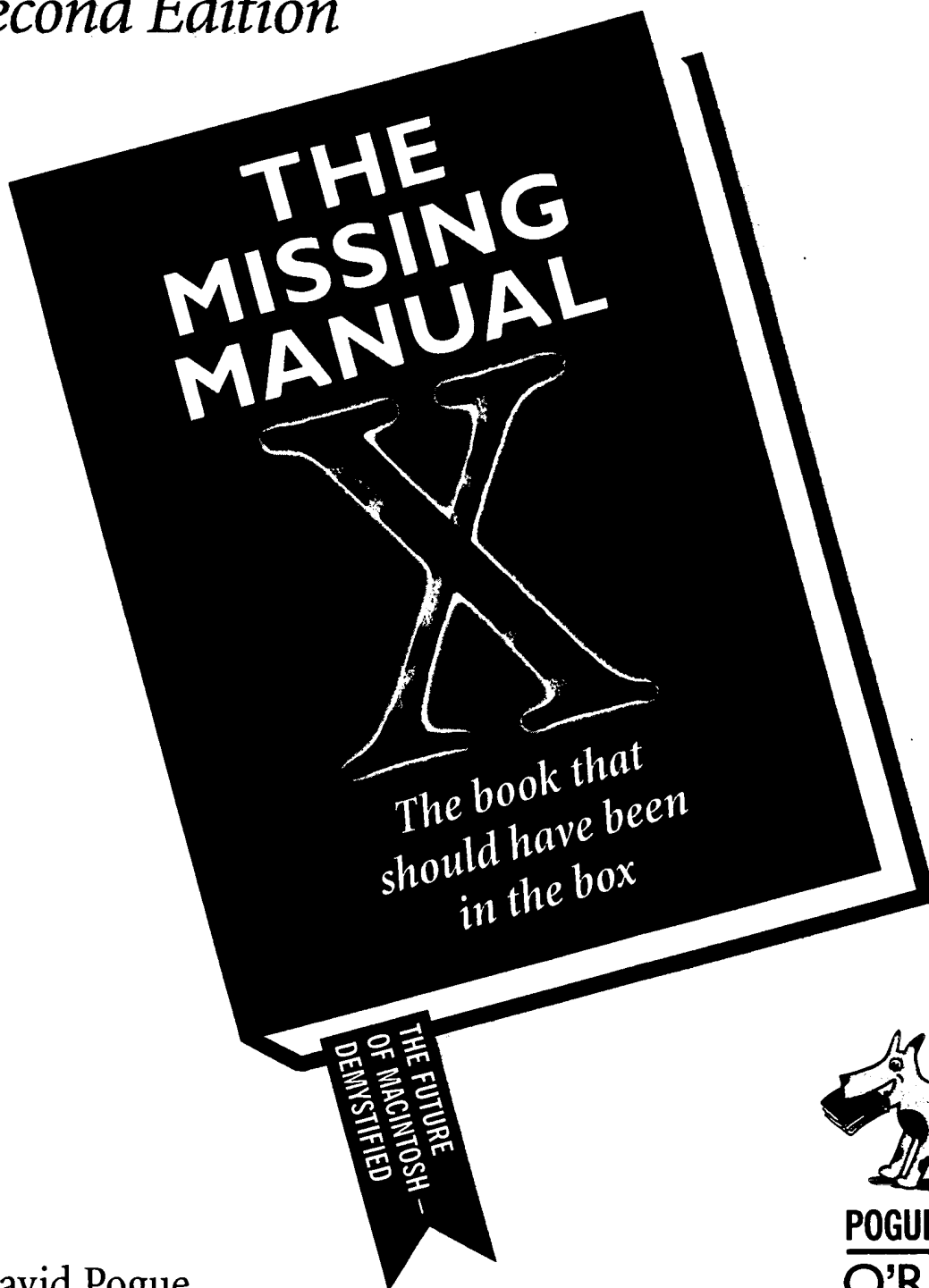
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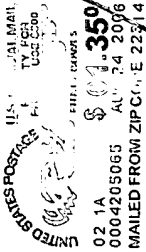
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